

REMARKS/ARGUMENTS

Claims 1 and 2-23 are pending in this application. By this Amendment, claims 1, 3-5, 10 and Fig. 1 are amended, claims 21-23 are added and claim 2 is canceled. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

A. The Office Action objects to the drawings. Applicants respectfully submit the enclosed annotated drawing showing changes in red to Fig. 1 obviates the grounds for the objection. Express approval of the proposed drawing correction is respectfully requested. Withdrawal of the objection to the drawing is respectfully requested.

B. The Office Action rejects claims 1-7, 9-14 and 16-20 under 35 U.S.C. §103(a) over U.S. Patent No. 6,360,234 B1 to Jain et al. (hereafter "Jain") and U.S. Patent No. 5,930,493 to Ottesen et al. (hereafter "Ottesen"). The rejection is respectfully traversed.

1) Embodiments of the present invention disclose an index service configured to provide index data of multimedia contents that include structural, semantic or summary data of a multimedia stream described in association with temporal data. However, Jain and Ottesen do not disclose an index data service.

With respect to claim 1, Applicants respectfully submit that Jain and Ottesen do not teach or suggest at least features of an index server system extracting index data from received streams, wherein the index data extracted from the index server system are structural, semantic or summary data of the multimedia streams described based on temporal data and combinations thereof as recited. For example, with respect to claims 2-5, the Office Action asserts that Jain

discloses keyframes, scene change, and summary index, citing column 6, lines 32-34 and 54-57 and column 2, lines 12-15 of Jain. In contrast, Applicants respectfully submit that Jain discloses metadata representations of a number of different metadata types. Although Jain discloses tracking metadata types, Applicants respectfully submit that such metadata are not provided as index data as recited in claim 1 or described in embodiments of the present specification.

Further, Applicants respectfully submit that Jain does not teach or suggest any modification to its disclosure that would result in at least the feature of an index server system extracting index data from the received streams, wherein the index data are structural, semantic or summary data of the multimedia streams described based on temporal data and combinations thereof as recited in claim 1.

2) In addition, Applicants respectfully submit that the Office Action has not established a *prima facie* case of obviousness under 35 U.S.C. §103. As stated in MPEP §2141.02, a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 581 (1984). The teaching or suggestion to make the modification or combination of prior art and the reasonable expectation of success must both be found in the prior art and not based on Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). The Office Action admits that Jain does not specifically teach multi-media server, subscriber equipment for recording and subscribers. However, the Office Action asserts that it would be obvious to combine Ottesen

into Jain teaching because in doing so “Jain’s system would have become a multi-media server system for providing media streams, indexed data and subscription services to subscribers simultaneously.” See lines 17-28 of Item 2, pages 3-4 of the Office Action. Since the only disclosure of such features is in the present application, Applicants respectfully submit that improper hindsight reasoning has been used to reconstruct Applicants’ claimed invention from Jain and Ottesen.

The Office Action admits that Jain does not disclose multi-media server, subscriber equipment for recording and subscribers. Thus, Applicants respectfully submit that Jain does not teach or suggest such modifications asserted by the Office Action.

Further, Applicants respectfully submit that Ottesen’s disclosure does not teach or suggest any indexing of multimedia, wherein the index data extracted from the index server system are structural, semantic or summary data of the multimedia streams described based on temporal data as recited in claim 1. Thus, Applicants respectfully submit that Ottesen does not teach or suggest such modifications asserted by the Office Action. Further, Applicants respectfully submit that Ottesen teaches away from a video cataloger 110 in Jain by disclosing that operator actions and control such as fast forward, pause, rewind be provided at the user or set top box and not at a centralized multimedia server 30. See column 6, lines 12-59 of Ottesen. Thus, Ottesen teaches away from the combination asserted by the Office Action. Accordingly, Applicants respectfully submit that improper hindsight reasoning has been used to reconstruct Applicants’ claimed invention from Jain and Ottesen because there is no teaching or suggestion

Applicants' claimed invention from Jain and Ottesen because there is no teaching or suggestion to make the combination or the asserted modifications in the applied prior art.

3) For at least the reasons set forth above, Applicants respectfully submit claim 1 defines patentable subject matter. Claim 10 defines patentable subject matter for at least reasons similar to claim 1. Further, claims 3-7, 9, 11-14 and 16-20 depend from claims 1 and 10 respectively, and therefore also define patentable subject matter for at least that reason as well as their additionally recited features. Claim 2 is canceled without prejudice or disclaimer. Withdrawal of the rejection of claims 1-7, 9-14 and 16-20 under 35 U.S.C. §103(a) is respectfully requested.

B. The Office Action rejects claims 8 and 15 under 35 U.S.C. §103(a) over Jain, Ottesen and U.S. Patent No. 5,872,588 to Aras et al. (hereafter "Aras"). The rejection is respectfully traversed.

As described above, claims 1 and 10 define patentable subject matter over Jain and Ottesen. Applicants respectfully submit that Aras does not teach or suggest at least features of an index server system wherein the index data extracted from the index server system are structural, semantic or summary data of the multimedia streams described based on temporal data and combinations thereof as recited in claim 1 and lacking from Jain or Ottesen. Thus, Applicants respectfully submit that Jain, Ottesen and Aras, individually or in combination, do not teach or suggest at least features of the index server system and combinations thereof as recited in claim 1. Claim 10 defines patentable subject matter for at least reasons similar to claim

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1. Claims 8 and 15 depend from claims 1 and 10 respectively and therefore also define patentable subject matter for at least that reason as well as their additionally recited features.

Withdrawal of the rejection of claims 8 and 15 under 35 U.S.C. §103 is respectfully requested.

C. Claims 21-23 are newly added by this Amendment and believed to be in condition for allowance.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Carl R. Wesolowski**, at the telephone number listed below.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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ANNOTATED SHEET SHOWING CHANGES

FIG.1

